

# House Study Bill 728 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL BY  
CHAIRPERSON HEIN)

## A BILL FOR

1 An Act relating to the practice of barbering and cosmetology  
2 arts and sciences, including fees, and providing transition  
3 provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 10A.104, subsection 14, Code 2022, is  
2 amended by striking the subsection.

3 Sec. 2. Section 147.13, subsection 11, Code 2022, is amended  
4 to read as follows:

5 11. For cosmetology arts and sciences, the board of  
6 barbering and cosmetology arts and sciences.

7 Sec. 3. Section 147.13, subsection 12, Code 2022, is amended  
8 by striking the subsection.

9 Sec. 4. Section 147.14, subsection 1, paragraphs a and n,  
10 Code 2022, are amended by striking the paragraphs.

11 Sec. 5. Section 147.14, subsection 1, Code 2022, is amended  
12 by adding the following new paragraph:

13 NEW PARAGRAPH. x. For barbering and cosmetology arts and  
14 sciences, three members who are licensed cosmetologists; one  
15 member who is a licensed instructor of cosmetology arts and  
16 sciences; one member who is licensed to practice barbering;  
17 one member who is a licensed esthetician or electrologist; one  
18 member who is a licensed nail technologist; one member who owns  
19 a school of cosmetology arts and sciences or a cosmetology  
20 establishment; one member who is a licensed physician or  
21 surgeon, osteopathic physician or surgeon, physician assistant,  
22 or nurse; and two members who are not licensed to practice  
23 barbering or licensed in a practice of cosmetology arts and  
24 sciences and who do not have a financial interest in the  
25 industry of cosmetology, who shall represent the general  
26 public.

27 Sec. 6. Section 147.76, Code 2022, is amended to read as  
28 follows:

29 **147.76 Rules.**

30 The boards for the various professions shall adopt all  
31 necessary and proper rules to administer and interpret this  
32 chapter and chapters 148 through 158 157, except chapter 148D.

33 Sec. 7. Section 157.1, Code 2022, is amended by adding the  
34 following new subsections:

35 NEW SUBSECTION. 01. "*Barber*" means a person who performs

1 the practice of barbering or otherwise by the person's  
2 occupation claims to have knowledge or skill particular to the  
3 practice of barbering.

4 NEW SUBSECTION. 001. "*Barbering*" means the practices listed  
5 in this subsection performed with or without compensation.  
6 "*Barbering*" includes but is not limited to the following  
7 practices performed upon the upper part of the human body of  
8 any person for cosmetic purposes and not for the treatment of  
9 disease or physical or mental ailments:

10 a. Shaving or trimming the beard or cutting the hair.

11 b. Giving facial and scalp massages or treatments with oils,  
12 creams, lotions, or other preparations either by hand, or by  
13 electrical or mechanical appliances.

14 c. Singeing, shampooing, hair body processing, curling,  
15 blow waving, hair relaxing, bleaching or coloring the hair, or  
16 applying hair tonics.

17 d. Applying cosmetic preparations, antiseptics, powders,  
18 oils, clays, waxes, or lotions to the scalp, face, or neck.

19 e. Styling, cutting, or shampooing hairpieces or wigs when  
20 done in conjunction with haircutting or hairstyling.

21 NEW SUBSECTION. 10A. "*Establishment*" means a fixed place  
22 or a place that is readily movable where one or more persons  
23 engage in the practice of barbering or cosmetology arts and  
24 sciences, including but not limited to a retail establishment.

25 Sec. 8. Section 157.1, subsection 1, Code 2022, is amended  
26 to read as follows:

27 1. "*Board*" means the board of barbering and cosmetology arts  
28 and sciences.

29 Sec. 9. Section 157.1, subsection 5, paragraph a, Code 2022,  
30 is amended to read as follows:

31 a. ~~Arranging, braiding, dressing, curling,~~ Curling, waving,  
32 press and curl hair straightening, shampooing, cutting,  
33 singeing, bleaching, coloring, or similar works, upon the  
34 hair of any person, or upon a wig or hairpiece when done in  
35 conjunction with haircutting or hairstyling by any means.

1     Sec. 10. Section 157.1, subsection 5, Code 2022, is amended  
2 by adding the following new paragraph:

3     NEW PARAGRAPH. *f. Barbering.*

4     Sec. 11. Section 157.1, subsection 26, Code 2022, is amended  
5 by striking the subsection.

6     Sec. 12. Section 157.1, subsection 27, Code 2022, is amended  
7 to read as follows:

8     27. "*School of barbering and cosmetology arts and sciences*"  
9 means an establishment operated for the purpose of teaching  
10 cosmetology arts and sciences.

11    Sec. 13. Section 157.2, subsection 1, paragraphs b and h,  
12 Code 2022, are amended by striking the paragraphs.

13    Sec. 14. Section 157.2, subsection 2, Code 2022, is amended  
14 to read as follows:

15    2. Cosmetologists shall not represent themselves to the  
16 public as electrologists, estheticians, or nail technologists  
17 unless the cosmetologist has completed the ~~additional~~ course of  
18 study for the respective practice as prescribed by the board  
19 pursuant to [section 157.10](#).

20    Sec. 15. Section 157.3, subsection 1, paragraph a, Code  
21 2022, is amended to read as follows:

22    *a.* Presents to the department a diploma, or similar  
23 evidence, issued by a licensed school of barbering and  
24 cosmetology arts and sciences or barbering indicating that the  
25 applicant has completed the course of study for the appropriate  
26 practice of the cosmetology arts and sciences prescribed by  
27 the board. An applicant may satisfy this requirement upon  
28 presenting a diploma or similar evidence issued by a school  
29 in another state, recognized by the board, which provides  
30 instruction regarding the practice for which licensure is  
31 sought, provided that the course of study is equivalent to or  
32 greater in length and scope than that required for a school in  
33 this state, and is approved by the board.

34    Sec. 16. Section 157.3, Code 2022, is amended by adding the  
35 following new subsection:

1     NEW SUBSECTION. 3. The board shall adopt rules for the  
2 licensure of persons who perform the practice of barbering.  
3 The course of study for licensure as a barber shall consist  
4 of at least two thousand one hundred hours of instruction. A  
5 barber licensed pursuant to this subsection shall not practice  
6 any cosmetology art or science other than barbering. Nothing  
7 in this subsection shall restrict the practice of barbering by  
8 a cosmetologist.

9     Sec. 17. Section 157.3A, Code 2022, is amended by adding the  
10 following new subsection:

11     NEW SUBSECTION. 6. Shaving or trimming for hair removal by  
12 the use of a straight edge razor shall only be performed by the  
13 following persons:

14     a. A licensed barber.

15     b. A cosmetologist trained and certified in the use of a  
16 straight edge razor in compliance with applicable rules of  
17 the board. The board shall not require a cosmetologist to  
18 complete more than forty clock hours of training to receive a  
19 certification under this paragraph.

20     Sec. 18. Section 157.4, subsection 3, paragraph a, Code  
21 2022, is amended to read as follows:

22     a. The permit shall be issued for a specific event and may  
23 be issued to ~~a salon~~ an establishment, school of barbering and  
24 cosmetology arts and sciences, or person.

25     Sec. 19. Section 157.6, Code 2022, is amended to read as  
26 follows:

27     **157.6 Sanitary rules — practice in the home.**

28     The department shall prescribe sanitary rules for ~~salons~~  
29 establishments and schools of barbering and cosmetology arts  
30 and sciences which shall include the sanitary conditions  
31 necessary for the practice of cosmetology arts and sciences  
32 and for the prevention of infectious and contagious diseases.  
33 Subject to local zoning ordinances, ~~a salon~~ an establishment  
34 may be established in a residence if a room other than the  
35 living quarters is equipped for that purpose. The department

1 shall enforce **this section** and make necessary inspections for  
2 enforcement purposes.

3 Sec. 20. Section 157.7, subsection 1, Code 2022, is amended  
4 by striking the subsection.

5 Sec. 21. Section 157.8, subsection 1, Code 2022, is amended  
6 to read as follows:

7 1. It is unlawful for a school of barbering and cosmetology  
8 arts and sciences to operate unless the owner has obtained  
9 a license issued by the department. The owner shall file a  
10 verified application with the department on forms prescribed  
11 by the board.

12 Sec. 22. Section 157.8, subsection 2, paragraph c, Code  
13 2022, is amended by striking the paragraph.

14 Sec. 23. Section 157.8, subsection 2, paragraph d, Code  
15 2022, is amended to read as follows:

16 *d.* The school of barbering and cosmetology arts and sciences  
17 must pass a sanitary inspection under **section 157.6**. An annual  
18 inspection of each school of barbering and cosmetology arts and  
19 sciences, including the educational activities of each school,  
20 shall be conducted and completed by the board or its designee  
21 prior to renewal of the license.

22 Sec. 24. **NEW SECTION. 157.8A Use of schools of barbering**  
23 **and cosmetology arts and sciences.**

24 A school of barbering and cosmetology arts and sciences may  
25 be used for purposes other than student instruction during  
26 scheduled instruction time and work experience time so long as  
27 the other activities do not disrupt classes. The board shall  
28 adopt rules for the implementation of this section.

29 Sec. 25. Section 157.9, Code 2022, is amended to read as  
30 follows:

31 **157.9 License suspension and revocation.**

32 Any license issued by the department under the provisions  
33 of **this chapter** may be suspended, revoked, or renewal denied  
34 by the board for violation of any provision of **this chapter**  
35 ~~or chapter 158~~ or rules promulgated by the board under the

1 provisions of chapter 17A.

2 Sec. 26. Section 157.10, subsection 1, Code 2022, is amended  
3 to read as follows:

4 1. The course of study required for licensure for the  
5 practice of cosmetology shall be two thousand one hundred clock  
6 hours, or seventy semester credit hours or the equivalent  
7 thereof as determined pursuant to administrative rule and  
8 regulations promulgated by the United States department of  
9 education. The clock hours, and equivalent number of semester  
10 credit hours or the equivalent thereof as determined pursuant  
11 to administrative rule and regulations promulgated by the  
12 United States department of education, of a course of study  
13 required for licensure for the practices of electrology,  
14 esthetics, and nail technology, ~~manicuring, and pedicuring~~  
15 shall be established by the board. The board shall adopt rules  
16 to define the course and content of study for each practice of  
17 cosmetology arts and sciences.

18 Sec. 27. Section 157.10, subsection 3, Code 2022, is amended  
19 by striking the subsection.

20 Sec. 28. Section 157.11, Code 2022, is amended to read as  
21 follows:

22 **157.11 Salon Establishment licenses.**

23 1. ~~A salon~~ An establishment shall not operate unless the  
24 owner has obtained a license issued by the department. The  
25 owner shall apply to the department on forms prescribed by the  
26 board. The department ~~may~~ shall perform a sanitary inspection  
27 of each ~~salon biennially~~ establishment at least once every five  
28 years and ~~may~~ shall perform a sanitary inspection of a ~~salon~~  
29 ~~prior to the issuance of a license~~ an establishment at the  
30 time of the opening of an establishment. An inspection of a  
31 ~~salon~~ an establishment may also be conducted upon receipt of a  
32 complaint by the department, as determined by the board. The  
33 board shall adopt rules to administer the inspection process  
34 and set fees necessary to cover the cost of the inspection.

35 2. The application shall be accompanied by the biennial

1 license fee determined pursuant to [section 147.80](#). The license  
2 is valid for two years and may be renewed.

3 3. A licensed school of cosmetology arts and sciences at  
4 which students practice cosmetology arts and sciences is exempt  
5 from licensing as ~~a salon~~ an establishment.

6 Sec. 29. Section 157.12, Code 2022, is amended to read as  
7 follows:

8 **157.12 Supervisors.**

9 A person who directly supervises the work of practitioners  
10 of barbering or cosmetology arts and sciences shall be licensed  
11 in the practice supervised ~~or a barber licensed under section~~  
12 ~~158.3~~.

13 Sec. 30. Section 157.13, subsection 1, unnumbered paragraph  
14 1, Code 2022, is amended to read as follows:

15 It is unlawful for a person to employ an individual to  
16 practice barbering or cosmetology arts and sciences unless  
17 that individual is licensed or has obtained a temporary permit  
18 under [this chapter](#). It is unlawful for a licensee to practice  
19 with or without compensation in any place other than a licensed  
20 ~~salon establishment, or~~ a licensed school of barbering and  
21 cosmetology arts and sciences, ~~or a licensed barbershop as~~  
22 ~~defined in [section 158.1](#)~~. The following exceptions to this  
23 subsection shall apply:

24 Sec. 31. Section 157.13, subsection 1, paragraph a, Code  
25 2022, is amended to read as follows:

26 a. A licensee may practice at a location which is not  
27 a licensed ~~salon establishment~~, school of barbering and  
28 cosmetology arts and sciences, or licensed barbershop under  
29 extenuating circumstances arising from physical or mental  
30 disability or death of a customer.

31 Sec. 32. Section 157.13, subsection 1, Code 2022, is amended  
32 by adding the following new paragraphs:

33 NEW PARAGRAPH. *Ob.* A licensee may practice at a location  
34 which is not a licensed establishment or school of barbering  
35 and cosmetology arts and sciences if the board has issued an



1 event services permit to the licensee. The board shall adopt  
2 rules for the application for and issuance of an event services  
3 permit, which may include the imposition of fees necessary to  
4 cover the cost of the permitting process.

5 NEW PARAGRAPH. *00b.* A licensee may practice at a location  
6 which is not a licensed establishment or a school of barbering  
7 and cosmetology arts and sciences if the location is the home  
8 of the customer. The board shall adopt rules for the practice  
9 of barbering and cosmetology at such a location.

10 Sec. 33. Section 157.13, subsection 3, Code 2022, is amended  
11 to read as follows:

12 3. If the owner or manager of a ~~salon~~ an establishment does  
13 not comply with the sanitary rules adopted under [section 157.6](#)  
14 or fails to maintain the ~~salon~~ establishment as prescribed by  
15 rules of the department, the department may notify the owner  
16 or manager in writing of the failure to comply. If the rules  
17 are not complied with within five days after receipt of the  
18 written notice by the owner or manager, the department shall in  
19 writing order the ~~salon~~ establishment closed until the rules  
20 are complied with. It is unlawful for a person to practice  
21 in a ~~salon~~ an establishment which has been closed under this  
22 section. The county attorney in each county shall assist the  
23 department in enforcing [this section](#).

24 Sec. 34. Section 261.9, subsection 3, paragraph b, Code  
25 2022, is amended to read as follows:

26 *b.* Is a ~~barber school licensed under~~ [section 158.7](#) or  
27 a school of barbering and cosmetology arts and sciences  
28 licensed under [chapter 157](#) and is accredited by a national  
29 accrediting agency recognized by the United States department  
30 of education. For the fiscal year beginning July 1, 2017,  
31 an eligible institution under this paragraph shall provide a  
32 matching aggregate amount of institutional financial aid equal  
33 to at least seventy-five percent of the amount received by  
34 the institution's students for Iowa tuition grant assistance  
35 under [section 261.16A](#). For the fiscal year beginning July

1 1, 2018, the institution shall provide a matching aggregate  
2 amount of institutional financial aid equal to at least  
3 eighty-five percent of the amount received in that fiscal year.  
4 Commencing with the fiscal year beginning July 1, 2019, and  
5 each succeeding fiscal year, the matching aggregate amount of  
6 institutional financial aid shall be at least equal to the  
7 match provided by eligible institutions under paragraph "a".

8 Sec. 35. Section 261B.11, subsection 1, paragraph i, Code  
9 2022, is amended to read as follows:

10 *i.* Postsecondary educational institutions licensed by  
11 the state of Iowa under ~~section 157.8 or 158.7~~ chapter 157  
12 to operate as schools of cosmetology arts and sciences ~~or as~~  
13 ~~barber schools~~ in the state.

14 Sec. 36. Section 272C.1, subsection 6, paragraph g, Code  
15 2022, is amended to read as follows:

16 *g.* The board of barbering and cosmetology arts and sciences,  
17 created pursuant to chapter 147.

18 Sec. 37. Section 272C.1, subsection 6, paragraph i, Code  
19 2022, is amended by striking the paragraph.

20 Sec. 38. REPEAL. Chapter 158, Code 2022, is repealed.

21 Sec. 39. EMERGENCY RULES. The board of cosmetology arts  
22 and sciences, board of barbering, and board of barbering and  
23 cosmetology arts and sciences may adopt emergency rules under  
24 section 17A.4, subsection 3, and section 17A.5, subsection 2,  
25 paragraph "b", to implement the provisions of this Act and  
26 the rules shall be effective immediately upon filing unless  
27 a later date is specified in the rules. Any rules adopted  
28 in accordance with this section shall also be published as a  
29 notice of intended action as provided in section 17A.4.

30 Sec. 40. TRANSITION PROVISIONS.

31 1. a. The merger of the boards of barbering and cosmetology  
32 arts and sciences in this Act shall not affect the appointment  
33 or any term of office of a member of either board prior to the  
34 effective date of this Act. A member of the board of barbering  
35 or the board of cosmetology arts and sciences shall continue to

1 serve until the member's term expires or the member ceases to  
2 hold office, whichever first occurs.

3     b. The initial membership of the board of barbering and  
4 cosmetology arts and sciences shall consist of all members  
5 of the boards of barbering and cosmetology arts and sciences  
6 serving on the effective date of this Act.

7     2. A rule adopted by the board of cosmetology arts and  
8 sciences or board of barbering that is in force and effect  
9 immediately prior to the effective date of this Act shall  
10 continue in full force and effect until the earlier of the  
11 following:

12     a. The rule is amended, rescinded, or supplemented by the  
13 affirmative action of the board of barbering and cosmetology  
14 arts and sciences.

15     b. The rule expires by its own terms.

16     3. Any license or permit issued by the board of cosmetology  
17 arts and sciences or board of barbering in effect on the  
18 effective date of this Act shall continue in full force and  
19 effect until expiration or renewal, except as provided in  
20 subsection 8.

21     4. Any funds in any account or fund of the board of  
22 cosmetology arts and sciences or board of barbering shall  
23 be transferred to the control of the board of barbering and  
24 cosmetology arts and sciences.

25     5. Any cause of action, statute of limitation, or  
26 administrative action relating to or initiated by the board of  
27 cosmetology arts and sciences or board of barbering shall not  
28 be affected as a result of this Act and shall apply to the board  
29 of barbering and cosmetology arts and sciences.

30     6. All client and organizational files in the possession  
31 of the board of cosmetology arts and sciences or board of  
32 barbering shall become the property of the board of barbering  
33 and cosmetology arts and sciences.

34     7. Any personnel in the state merit system of employment  
35 who are mandatorily transferred due to the effect of this Act

1 shall be so transferred without any loss in salary, benefits,  
2 or accrued years of service.

3 8. A person licensed as a barber as of July 1, 2022, shall  
4 be considered to be a person licensed to practice barbering  
5 pursuant to chapter 158, Code 2022, and shall be issued a  
6 license to practice barbering upon the expiration of the  
7 person's barbering license.

8 9. A person currently enrolled in a barbering school in a  
9 course of study requiring at least two thousand one hundred  
10 hours of instruction must complete the course of study by  
11 August 1, 2023.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with  
14 the explanation's substance by the members of the general assembly.

15 This bill relates to the practices of barbering and  
16 cosmetology. The bill merges the boards of cosmetology  
17 arts and sciences and barbering into the board of barbering  
18 and cosmetology arts and sciences, repeals Code chapter 158  
19 governing barbering, and makes conforming Code changes. The  
20 bill gives the board of barbering and cosmetology arts and  
21 sciences all of the powers and responsibilities of the prior  
22 boards. The bill provides that current members of the boards  
23 of barbering and cosmetology arts and sciences shall become  
24 members of the merged board until their terms otherwise expire  
25 or they are otherwise replaced. The bill also provides that  
26 the current rules of both boards shall remain in effect until  
27 the board of barbering and cosmetology arts and sciences  
28 amends, rescinds, or supplements the rules, or the rules expire  
29 by their own terms. The bill grants the board of barbering,  
30 the board of cosmetology arts and sciences, and the board  
31 of barbering and cosmetology arts and sciences emergency  
32 rulemaking authority to implement the provisions of the bill.  
33 The bill also provides other transition provisions.

34 The bill changes the definition of "cosmetology" by removing  
35 arranging, braiding, and dressing of hair. The bill adds

1 definitions of "barber" and "barbering" consistent with the  
2 definitions found in Code chapter 158 (barbering). The bill  
3 repeals the definition of the term "salon" and defines the term  
4 "establishment" as a fixed place or a place that is readily  
5 movable where one or more persons engage in the practice of  
6 barbering or cosmetology arts and sciences.

7 The bill directs the board of barbering and cosmetology  
8 arts and sciences to adopt rules for the licensure of persons  
9 who perform the practice of barbering, which shall include a  
10 course of study of at least 2,100 hours of instruction. The  
11 bill allows licensed barbers to perform shaving or trimming for  
12 hair removal by the use of a straight edge razor and directs  
13 the board to adopt rules for the provision of such services by  
14 a cosmetologist with appropriate training.

15 The bill allows a school of barbering and cosmetology  
16 arts and sciences to be used for purposes other than student  
17 instruction so long as the other activities do not disrupt  
18 classes.

19 The bill removes manicuring and pedicuring from the required  
20 course of study for licensure as a cosmetologist.

21 The bill requires an establishment to be inspected at  
22 least once every five years and at the time of opening of the  
23 establishment and allows an establishment to be inspected upon  
24 receipt of a complaint by the department of public health.  
25 The bill moves responsibility for conducting inspections from  
26 the department of inspections and appeals to the department  
27 of public health and directs the board to adopt rules for the  
28 administration of inspections, which shall include fees to  
29 cover the costs of inspections.

30 The bill allows a licensee to practice barbering or  
31 cosmetology arts and sciences at a location that is not a  
32 licensed establishment or a school of barbering and cosmetology  
33 arts and sciences if the board issues an event services permit  
34 to the licensee pursuant to rules of the board. The bill  
35 also allows a licensee to practice in the home of a customer

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1 pursuant to rules of the board.